

EXHIBIT F

Case No. 21-CV-0817-TSZ

(Exhibit F to Mann Declaration)

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Page 40

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15 MR. RAVA: Objection to the form of that
16 question. Also, generally, I suppose to the relevance
17 of questioning in a federal case DMCA issues which are
18 -- have been removed --

19 MR. MANN: Okay. Well --

20 MR. RAVA: You can go on and ask about
21 it.

22 MR. MANN: Well, thank you, Will. I'm
23 glad you raised that issue.

24 Can we have an agreement that -- I'll be happy to
25 get off this topic if we can have an agreement that I

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Page 41

1 can conduct a further deposition of Bungie in the
2 arbitration. You know, this is not my one shot. If we
3 can have an agreement that we can do further discovery
4 in connection with the issues before the arbitrator,
5 I'll be happy to move on.

6 MR. RAVA: I think that we've had some
7 conversations already about the extent to which the
8 discovery in one can be used in the other. I don't
9 believe that we've had this specific conversation, and I
10 think we're open to it. I think you ought to -- you
11 should do what you think you need to do in this
12 deposition.

13 I'm just raising the issue that this is a federal
14 -- that this has been noted as a Federal Court
15 deposition. And you all asked and we moved the DMCA
16 claims to JAMS, so we're there.

17 But you have the right to take depositions in the
18 JAMS case, too, as you know.

19 MR. MANN: Okay. Good. I think we're
20 in agreement. What I'm trying to avoid here -- just --
21 and we might as well get this on the record, I have no
22 objection to discovery that is obtained in connection
23 with the Federal Court case being used in the
24 arbitration and vice versa. I think that makes sense.
25 No sense in asking the same questions twice.

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1 So that is what I understood you to ask me before,
2 and I'm in agreement on that. So, as far as I'm
3 concerned, whatever discovery you get out of us in the
4 federal case can be used in the arbitration and vice
5 versa.

6 My question here is a little more subtle. What I
7 don't want to have happen is saying that, oh, because by
8 taking this case, this 30(b)(6), in the federal case
9 that was also my one and only shot to get information
10 for the arbitration.

11 If we can have an agreement that -- and this goes
12 for you guys, too. All witnesses called in connection
13 with the federal case may also be recalled in connection
14 with the arbitration. If we have an agreement on that,
15 that's perfectly acceptable to me.

16 MR. RAVA: I don't think that -- right.
17 I think we're generally in agreement there. So I think
18 we agree with you, that it doesn't make sense to ask the
19 same questions of the same witnesses in two different
20 proceedings, and that the -- and that the collection of
21 evidence in one proceeding against one witness does not
22 mean that you can't ask that same witness different
23 questions in the different proceedings. So I --

24 MR. MANN: Okay. Fair enough. If we
25 can limit today's deposition to the issues that are

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Page 43

1 involved in the federal case without waiving my right to
2 conduct an additional deposition in the arbitration --
3 this applies bilaterally, of course. If we can agree on
4 that, then, I can move on to other stuff.

5 MR. RAVA: I have no intent of arguing
6 that you do not have the right to depose -- to depose --
7 I do not intend to argue with Judge Cox, rather, that
8 you cannot take a deposition relating to DMCA issues in
9 the arbitration.

10 MR. MANN: Fair enough.

11 MR. RAVA: If you want to cover them
12 here, you can cover them here.

13 MR. MANN: Okay. Well, I realize that,
14 you know, the practical problem is, maybe, Dr. Kaiser
15 could say, with some justification, hey, I wasn't
16 prepared on that stuff. So I would rather talk to him
17 when he is.

18 MR. RAVA: I understand.

19 MR. MANN: I'm wondering, would now be a
20 good time for us to take our lunch break? I'm done with
21 the circumvention stuff. We can, then, bring in the
22 excluded parties. We could come back in 45 minutes, an
23 hour, and we'll blast through the rest of this stuff.

24 MR. RAVA: Sounds like a good plan on
25 our end. I could use a sandwich.